IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.61265-M of 2006

DATE OF DECISION: NOVEMBER 23, 2006

Sukhdip Singh and another

...PETITIONERS

VERSUS

State of Punjab

...RESPONDENT

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr. Pankaj Bhardwaj, Advocate,
for the petitioners.
Mr.N.S.Gill, AAG, Punjab.
Mr.K.D.S.Hooda, Advocate,
for the complainant.

...

The petitioners apprehending their arrest in a non-bailable offence in case FIR No. 210 dated 8.8.2006 registered under Sections 307/34 IPC and Sections 25/27/54/59 of the Arms Act, at Police Station Division No.5, Ludhiana, have filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail.

I have heard the counsel for the parties and gone through the contents of the FIR.

Counsel for the petitioners contends that the only allegation against the petitioners is that at the time of the occurrence they were present in the court premises along with other co-accused. He further contends that in this case, from the pistol of Devinder Singh, a shot was fired by Harwinder Singh, which did not hit anybody. Counsel contends that in this case no overt act has been attributed to the petitioners. Counsel further contends that in terms of the interim order dated October 10, 2006, the petitioners have joined the investigation. Counsel for the respondent-State does not dispute this fact and further on instructions from HC Sarwan Singh states that the petitioners are no more required for further investigation.

In view of the above, the interim order dated October 10, 2006 is made absolute on the same terms and conditions.

This bail order shall remain in operation till the investigation culminates into filing of challan under Section 173 Cr.P.C. Thereafter, except for material change in the circumstances, the petitioners shall be entitled for the grant of regular bail by the trial Court on the terms and conditions to be imposed by the court.

Disposed of accordingly.

November 23, 2006 (SATISH KUMAR MITTAL)
vkg JUDGE